June 1, 2017

VIA ECF

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: Kaldren LLC v. American Express Company, No. 1:17-cv-3625-VEC

Dear Judge Caproni:

Per this Court's May 19, 2017, Notice of Initial Pretrial Conference (Doc. 9), Plaintiff Kaldren LLC ("Kaldren") files this letter addressing the following topics. Counsel for Defendant American Express Company ("AMEX") has not yet made an appearance in this case or filed an Answer to Plaintiff's Complaint. Plaintiff files this letter without the benefit of knowing Defendant's position on these topics and has filed a letter motion (Doc. 11) on June 1, 2017, requesting that this Court adjourn the Initial Pretrial Conference set for June 9, 2017, at 10:00 a.m. until July 7, 2017.

I. A brief description of the case, including the factual and legal bases for the claim(s) and defense(s)

Plaintiff

Kaldren accuses AMEX of directly infringing, under 35 U.S.C. § 271(a), U.S. Patent Nos. 6,098,882; 6,176,427; 6,820,807; and 8,281,999, each entitled "Variable Formatting of Digital Data Into a Pattern," with AMEX's use of its quick response ("QR") codes with its products and services in its business. Kaldren is seeking (1) damages under 35 U.S.C. § 284 adequate to compensate it for AMEX's past and future infringement, including any infringement from the date of filing of its Complaint through the date of judgment, together with interest and costs; (2) judgment that this case is exceptional under 35 U.S.C. § 285 and an award of its reasonable attorneys' fees and costs; and (3) such further relief at law or in equity that this Court deems just and proper.

Defendant

Kaldren has not had an opportunity to confer with AMEX on its factual and legal bases for its defense(s).

II. Contemplated motions

Kaldren is unaware of any motions that are contemplated at this time.

III. The basis for subject matter jurisdiction

This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331 and 1338 because it arises under the Patent Act, 35 U.S.C. § 1 *et seq*.

IV. The prospect for settlement

The parties have not yet discussed settlement, but Kaldren is amenable to settlement.

V. Civil Case Management Plan and Scheduling Order

Kaldren does not provide a Civil Case Management Plan and Scheduling Order with this letter because the parties have not yet had an opportunity to confer on the contents of such an Order. Kaldren's counsel will confer with AMEX's counsel once they know who those counsel will be.

Dated: June 1, 2017

Respectfully submitted,

/s/ Jean-Marc Zimmerman
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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record whom have consented to electronic service were served with a copy of this document under this Court's CM/ECF system and local rules on June 2, 2017 at 1:30 AM.

/s/ Jean-Marc Zimmerman
Jean-Marc Zimmerman